

## Regulatory Language

Section 120, Title 14, CCR, is amended to read:

### **§ 120. Prawn or Shrimp Trawling – General Provisions.**

~~The following are the regulations under which permits to use or possess trawls for the taking of shrimp or prawns in ocean waters pursuant to section 8842 are to be granted:~~

~~(a) Qualifications of Permittee. The applicant must be the operator of a currently registered commercial fishing vessel.~~

~~(b) Southern Pink Shrimp Trawl Permit. On and after April 1, 2001, any person using a trawl net to take, possess aboard a boat, or land pink shrimp for commercial purposes in ocean waters south of a line drawn due west of Point Conception shall have a southern pink shrimp trawl permit that has not been suspended or revoked.~~

~~(c) Cost of Permit. See subsection 699(b) of these regulations for the fee for this permit.~~

~~(NOTE: This fee shall be charged effective April 1, 1992.)~~

~~(d) Permit Areas. The taking of pink shrimp north of a line drawn due west of Point Conception shall be subject to this section and Section 120.01, Title 14, CCR. Trawling for shrimp or prawns shall be permitted only in those waters of Fish and Game Districts 6, 7, 10, 17, 18, and 19, lying not less than three (3) nautical miles from the nearest point of land on the mainland shore, all offshore islands and the boundary line of District 19A, except that in waters lying between a line extending due west from False Cape and a line extending due west from Pigeon Point, trawling is allowed not less than two (2) nautical miles from the nearest point of land on the mainland shore. However, no trawling shall be conducted in the cowcod closure areas defined in Section 150.06, Title 14, CCR.~~

~~(e) Season. Pink shrimp may be taken April 1 through October 31. The taking of golden, spot and ridgeback prawns is provided for in Section 120.3, Title 14, CCR.~~

~~(f) Gear Specifications.~~

~~(1) The net to be used for the capture of shrimp or prawns shall be an otter trawl or a beam trawl net.~~

~~(2) The mesh of any webbing used on or with the beam or otter trawl shall not be less than 1 3/8 inches measured inside the knots.~~

~~(3) An approved Bycatch Reduction Device (BRD) shall be used on all trawl nets used in the commercial pink shrimp trawl fishery and is described as one of the following:~~

~~(A) The Nordmore Grate. The grate consists of a series of rigid or semi-rigid vertical bars that form a panel which guides finfish out of an escape hole located in the top of the net. The device may include a funnel used to concentrate catch near the bottom of the panel to facilitate sorting but is not a required component. An approved Nordmore Grate must meet the following criteria:~~

~~1. The rigid or semi-rigid panel must completely cover some portion of the net in diagonal cross-section.~~

~~2. None of the openings between the vertical bars of the panel may exceed 2 inches.~~

~~3. The escape hole, when spread open, must expose a hole at least 100 square inches in surface area, which is the equivalent to removing 10-12 meshes in a straight line.~~

4. The escape hole must be forward of the panel and the farthest back point must end within four meshes of the point at which the rigid or semi-rigid panel connects to the main net at its farthest back point.

(B) The Soft-Panel Excluder. This device uses a mesh panel to guide fish out of an escape hole located in the top of the net. An approved soft-panel BRD must satisfy the following criteria:

1. The panel meshes must be constructed of net material with individual meshes no larger than 6 inches (stretch measure).

2. The panel must completely cover some portion of the net in diagonal cross-section and partial panels are not allowed.

3. The escape hole must, when spread open, expose a hole at least 100 square inches in surface area, which is equivalent to cutting 10-12 meshes in a straight line.

4. The escape hole must be positioned forward of the panel and end within four meshes of the point at which the panel connects to the main net at its farthest back point.

(C) The Fisheye Excluder. This device functions as a simple forward facing escape hatch that is maintained by a rigid frame. An approved fisheye BRD must meet the following criteria:

1. The escape hole must be forward facing so that finfish can swim towards the mouth of the net to exit through the fisheye.

2. The device must be placed on the top of the codend, no further forward than 84 codend meshes, counted from the pursing rings.

3. The escape hole must be no less than 6 inches in height and no less than 10 inches in width.

(4) A revocable experimental BRD permit may be issued by the Department's Marine Region Manager and used in lieu of an approved BRD under the following terms and conditions:

(A) The experimental BRD meets minimum design criteria for approved BRDs as determined by the Marine Region Manager.

(B) The permitted vessel carries a Department-approved observer coverage during all times that the experimental BRD is used in lieu of an approved BRD to harvest pink shrimp.

(C) The experimental BRD permit is valid for the duration of the impending or current pink shrimp season unless revoked.

(5) Bycatch reduction devices shall not be modified in any way that interferes with their ability to allow fish to escape from the trawl, except for the purpose of testing the BRD to measure shrimp loss. Authorized testing of BRDs may be conducted as follows:

(A) All testing must occur between 3:00 p.m. and 6:00 p.m. Pacific Time.

(B) For vessels fishing two nets simultaneously (double-rigged boats), only one net may contain a disabled BRD (approved or experimental).

(C) For vessels fishing only one net, the BRD may be disabled only between 3:00 p.m. and 6:00 p.m. Pacific Time.

(g) Limitations of Gear.

(1) Nets used for the taking of shrimp or prawns under this regulation may be possessed on a boat in a permit area only when the shrimp or prawn trawling season is open in that area, except as provided in (6) below and except that for a period of seven

~~(7) days following the close of the season, shrimp or prawn nets may be possessed on a boat for the purpose of cleaning, drying, or maintaining such nets, provided that the boat remains in port during the time the net(s) is aboard. No shrimp trawl net may be possessed on board a vessel in the commercial pink shrimp fishery that does not include an excluder device. All bycatch reduction devices and codends used for trawl fishing for pink shrimp must be readily accessible and made available for inspection at the request of a department official.~~

~~(2) When any nets possessed under the terms of these regulations are in possession on any permittee's vessel, no other fishing nets may be possessed on that vessel.~~

~~(3) No web, the meshes of which are less than that prescribed in these regulations, may be possessed on any vessel which is operating under the provisions of a shrimp or prawn permit.~~

~~(4) All fishing gear used under the provisions of this permit is subject to inspection and approval by the Department of Fish and Game at any time.~~

~~(5) On request, any authorized representative of the Department of Fish and Game shall be permitted to travel on the permittee's boat to observe shrimp or prawn trawling operations.~~

~~(6) The department may issue revocable nontransferable permits to shrimp permittees for purpose of transporting shrimp or prawn nets in closed permit areas. The permit must include such information as the name of the vessel that will transport the net and a termination date that does not extend beyond the end of the season in progress. The permit shall be carried aboard the vessel upon which the net is being transported.~~

~~(7) No shrimp trawl nets may be removed from the vessel participating in the pink shrimp trawl fishery prior to the offloading of pink shrimp.~~

~~(h) Incidentally Caught Fish. Not more than 1,500 pounds, multiplied by the number of days of the fishing trip, of fish other than Pacific whiting, shortbelly rockfish, or arrowtooth flounder caught incidentally with shrimp or prawns may be possessed on any boat operating under a permit as provided in these regulations, except salmon may be taken and possessed subject to sections 8210.2 to 8226, and 8230 to 8237, inclusive, of the Fish and Game Code. Spot prawns shall not be possessed or landed as incidental catch in the pink shrimp fishery.~~

~~(i) Maximum Count per Pound. It is illegal for any vessel operating under a southern pink shrimp permit or a permit as provided in Section 120.01, Title 14, CCR, to land pink shrimp having a count greater than 160 shrimp per pound.~~

~~(j) Records. Pursuant to section 190 of these regulations, each permittee shall complete and submit an accurate record of his fishing activities on a form (Shrimp/Prawn Trawl Log, DFG 120 (10/ 89), see Appendix A) provided by the department.~~

~~(k) Conditions of Permit. The provisions of the Fish and Game Code of California relating to commercial fishing except as modified by the provisions of this permit shall be a condition of all permits to be fully performed by the holders thereof, their agents, servants, employees, or those acting under their direction and control.~~

~~(l) Revocation of Permits. All permits may be revoked and canceled by the Fish and Game Commission without notice, upon the breach or violation of any fish and game law or regulation or any violation of the terms or conditions of this permit by the holders thereof, their agents, servants, employees or those acting under their direction and~~

~~control. Permits so revoked and canceled may not be renewed for a period of one year from the date of revocation.~~

Prawns and shrimp may only be taken by trawl nets for commercial purposes in ocean waters pursuant to Fish and Game Code statutes and under authority of fishery permits established in Sections 120 through 120.3 of these regulations. Spot prawns may not be taken or possessed using trawl nets except as incidental to other trawl fishing activity as specified in subsection (e) below.

**(a) Permits and Conditions.**

Regulations of this Section define the conditions under which permits to use or possess trawls for the taking of shrimp or prawns in ocean waters pursuant to Section 8842 are to be granted. "Permits" as used in this Section refer only to Northern Pink Shrimp Trawl Permits defined in Section 120.2, Southern Pink Shrimp Trawl Permits defined in Section 120.2, and Golden and Ridgeback Prawn Trawl Permits defined in Section 120.3.

**(b) Fishing Areas.**

Trawling for shrimp or prawns shall be permitted only in those waters authorized by Section 8842 of the Fish and Game Code and not otherwise prohibited by other state or federal statutes or regulations. Pursuant to Subdivisions (b) and (d) of that Section, commencing January 1, 2008, trawling for shrimp or prawns is not authorized in waters lying between a line extending due west from False Cape and a line extending due west from Point Reyes, between two and three nautical miles from the nearest point of land on the mainland shore.

**(c) Net Specifications.**

(1) The net to be used for the capture of shrimp or prawns shall be an otter trawl.

(2) The mesh of any webbing used on the otter trawl shall not be less than 1 3/8 inches measured inside the knots.

(3) Nets used for the taking of shrimp or prawns under these regulations may be possessed on a boat only when the shrimp or prawn trawling season is open in that area, except that for a period of seven (7) days following the close of the season, shrimp or prawn nets may be possessed on a boat for the purpose of cleaning, drying, or maintaining such nets, provided that the boat remains in port during the time the net(s) is aboard.

(4) No other fishing net or web, the meshes of which are less than that prescribed in these regulations, may be possessed on any vessel which is operating under the provisions of a shrimp or prawn permit.

**(d) Observers and Inspections.**

(1) All fishing gear used under the provisions of these permits and regulations are subject to inspection by the department at any time.

(2) Pursuant to Section 105.5, Title 14, CCR, any authorized representative of the department shall be permitted to travel on the permittee's boat to observe shrimp or prawn trawling operations.

(3) Pursuant to Fish and Game Code subdivision 8841(d), any vessel fishing for prawns or shrimp permitted by California is subject to the requirements and policies of the federal groundfish observer program.

**(e) Incidental Catch Provisions.**

(1) Finfish. Limits on the incidental take of west coast groundfish species are specified in federal regulations of Title 50 CFR Part 660, and apply to state-managed trawl fisheries, including prawn or shrimp trawl fisheries, pursuant to Section 189, Title 14, CCR. Salmon may be taken and possessed incidentally to prawn or shrimp trawl fishing activities subject to sections 8210.2 to 8226, and 8230 to 8237, inclusive, of the Fish and Game Code.

(2) Sea Cucumbers. Any amount of sea cucumbers taken incidentally while prawn or shrimp trawling may be possessed if the owner or operator of the vessel possesses a permit to take sea cucumbers pursuant to Section 8405 of the Fish and Game Code.

(3) Spot prawns. Spot prawns shall not be possessed or landed as incidental catch in the pink shrimp fishery. Trawl loads of ridgeback and golden prawns shall not contain more than 50 pounds without restriction or 15%, by weight, of spot prawns. Trawl loads of finfish shall not contain more than 50 pounds without restriction or 15%, by weight, of spot prawns.

**(f) Records.**

Pursuant to Section 190 of these regulations, each prawn or shrimp trawl permittee or operator of a permitted vessel shall complete and submit an accurate record of his fishing activities on a form (Shrimp/Prawn Trawl Log, DFG 120 (10/89), see Appendix A) provided by the department.

**(g) Permit Revocation and Violations.**

(1) Pursuant to Fish and Game Code subdivision 1052(b), any prawn or shrimp trawl permit shall be revoked if the applicant or permittee submits false information for the purposes of obtaining or renewing a permit.

(2) Any prawn or shrimp trawl permit may be suspended, revoked or cancelled by the commission pursuant to the process defined in subdivision 7857(b) of the Fish and Game Code, upon notification by the department of a violation by a permit holder, or any person acting under authority of his or her permit, of provisions of the Fish and Game Code or regulations of the Fish and Game Commission relating to shrimp, prawns, trawl gear, and times or areas closed to fishing.

(3) Any prawn or shrimp trawl permittee shall be liable for any violations committed by him or her of provisions of the Fish and Game Code or regulations of the Fish and Game Commission relating to shrimp, prawns, trawl gear, and times or areas closed to fishing. The permit holder shall also be liable for violations committed by any other person operating under the authority of his or her permit. Additionally, any such other person is liable for his or her own violations.

NOTE:

Authority cited: Sections 8591, 8841 and 8842, Fish and Game Code. Reference: Sections 1700 and ~~8590-8595~~, 8590, 8591, 8593, 8595, 8841 and 8842, Fish and Game Code.

Section 120.01, Title 14, CCR, is repealed, and relocated to Section 120.2:

**§ 120.01. Pink Shrimp Trawling.**

(a) Permit Required. On and after April 1, 2001, any person using a trawl net to take,

~~possess aboard a vessel, or land pink shrimp for commercial purposes in ocean waters north of a line drawn due west of Point Conception shall have a northern pink shrimp trawl permit or a northern pink shrimp trawl individual permit that has not been suspended or revoked. All pink shrimp taken in ocean waters north of the aforementioned line incidental to other fishing activities shall be immediately returned to the water. Pink shrimp taken south of the aforementioned line shall be subject to the provisions of Section 120, Title 14, CCR. For the purposes of this section, vessel owner includes any person who has a lease-purchase agreement for the purchase of a vessel.~~

~~(b) Initial Permit Issuance.~~

~~(1) A northern pink shrimp trawl individual permit may be issued to the holder of a valid 2000-01 pink shrimp trawl individual permit who landed a minimum of 5,000 pounds of pink shrimp north of Point Conception in each of three of the fishing seasons from April 1, 1994 to October 31, 1999 as documented by department landing receipts submitted in their name and commercial fishing license identification number.~~

~~(2) A northern pink shrimp trawl vessel permit may be issued to the current owner of a vessel with a valid 2000-01 pink shrimp trawl vessel permit who landed a minimum of 5,000 pounds of pink shrimp north of Point Conception in each of three of the fishing seasons from April 1, 1994 to October 31, 1999, as documented by department landing receipts.~~

~~(3) A northern pink shrimp trawl vessel permit may be issued to an individual who does not qualify for a permit in (b)(1) or (2), above, and is the current owner of a commercial fishing vessel and who has been licensed as a California commercial fisherman for at least 20 years at the time of application and has participated in the pink shrimp trawl fishery for at least one of those years in this state as documented by department landing receipts that cumulatively total 5,000 pounds of pink shrimp landed by trawl nets in their name and commercial fishing license number. Any permit issued under this provision shall be nontransferable.~~

~~(4) Initial applications for all northern pink shrimp trawl permits shall be received by the department or, if mailed, postmarked no later than May 31, 2001. Initial late applications shall be received by the department or, if mailed, postmarked not later than June 30, 2001 and shall be accompanied by a \$50 late fee. Initial late applications not received by the department or, if mailed, postmarked after June 30, 2001, will not be considered. A permit shall not be issued until the \$50 late fee is paid.~~

~~(5) No individual or corporation that qualifies for a northern pink shrimp trawl vessel permit shall be issued a northern pink shrimp trawl individual permit.~~

~~(c) Vessel Length Endorsement.~~

~~(1) Each northern pink shrimp trawl vessel permit shall be endorsed with the overall length at the time of initial issuance. Vessel overall length is measured between the perpendiculars at the foremost portion of the hull at the stem, excluding any extensions commonly known as bowsprits, and the aftermost portion of the hull at the sternpost, excluding any extensions thereof. One of the following forms of documentation shall be submitted as proof of the vessel's overall length.~~

~~(2) Marine Survey Report. Before any northern pink shrimp trawl vessel permit is issued or transferred to another vessel, the owner of the vessel who will receive the permit may submit a marine survey completed by a certified marine surveyor on or after April 1,~~

1999 that clearly shows the vessel overall length.

(3) ~~Federal Groundfish Permit. Before any northern pink shrimp trawl vessel permit is issued or transferred to another vessel, the owner of the vessel who will receive the permit may submit their current valid Federal Groundfish Permit with its endorsed length as documentation of the vessel's overall length.~~

(4) ~~When a vessel is no longer available for an overall length measurement, as determined by the department, and does not have a current valid Federal Groundfish Permit, the department may consider: a Marine Survey dated prior to April 1, 1999, U.S. Coast Guard Documentation, or Department of Motor Vehicles registration records.~~

~~(d) Permit Renewal.~~

(1) ~~Applicants for northern pink shrimp trawl permits must have held a valid northern pink shrimp trawl permit in the immediately preceding permit year. All applications for northern pink shrimp trawl permit renewal shall be received by the department or, if mailed, postmarked not later than April 30 each year. Late applications for northern pink shrimp trawl permit renewal shall be received by the department or, if mailed, postmarked not later than May 31 of each year and shall be accompanied by a \$50 late fee. Late applications for northern pink shrimp trawl permit renewal not received, or if mailed, postmarked after May 31 will not be considered. A permit shall not be issued until the \$50 late fee is paid.~~

(2) ~~A northern pink shrimp trawl individual permit shall be upgraded to a northern pink shrimp trawl vessel permit before April 1, 2003. The vessel that the northern pink shrimp trawl vessel permit is assigned to may be not more than five feet greater in overall length than the longest vessel on which the permittee made qualifying landings. The individual permittee is subject to the terms of permit renewal in Section 120.01(d)(1). Any northern pink shrimp trawl individual permit not upgraded to a northern pink shrimp trawl vessel permit before April 1, 2003 shall be deemed forfeit to the department.~~

~~(e) Permit Transfers.~~

(1) ~~A northern pink shrimp trawl vessel permit may be transferred to a replacement vessel owned by the permittee within two years of the permitted vessel being lost, stolen, or destroyed. The replacement vessel may be up to but not more than five feet greater in overall length than the original permitted vessel. The original length endorsement will remain on the permit.~~

(2) ~~A northern pink shrimp trawl vessel permit is otherwise transferable to another owner only if the vessel qualifying for the initial permit landed 90,000 pounds of pink shrimp by trawl north of Point Conception from April 1, 1994 to October 31, 1999. An individual permit, when upgraded to a vessel permit pursuant to Section 120.01(d)(2), shall be otherwise transferable to another owner only if the fishermen qualifying for the initial permit landed 90,000 pounds of pink shrimp by trawl north of Point Conception from April 1, 1994 to October 31, 1999.~~

(A) ~~The transferable permit may not be transferred more than once every twelve months.~~

(B) ~~The transferable permit may be transferred any number of times to a different vessel up to five feet greater in overall length than the original endorsement, or of equal or less overall length. The original length endorsement will remain on the permit.~~

(C) ~~A transferable permit may be permanently changed to a nontransferable permit on~~

~~written request of the vessel owner. The permit shall not be restored to a transferable permit under any circumstances.~~

~~(3) On the death of a transferable northern pink shrimp trawl vessel permittee an heir may apply to the department to transfer that permit to him or her. The application for transfer shall be received by the department within two years of the death of the permittee.~~

~~(4) Any northern pink shrimp trawl vessel permit may be temporarily transferred, for up to one year, to a different vessel, if the permitted vessel is seriously damaged, has suffered a major mechanical breakdown, or is lost or destroyed. The request for temporary transfer shall include documentation of the damage, breakdown, loss or destruction.~~

~~(5) Any northern pink shrimp trawl vessel may be permanently retired from the fishery for any reason, and the permit transferred to a different vessel, up to but not more than five feet greater in overall length than the original length endorsement, which is owned by the same permittee.~~

~~(f) Appeal.~~

~~(1) Any applicant who is denied initial issuance of a northern pink shrimp trawl vessel permit or a northern pink shrimp trawl individual permit by the department for any reason may appeal that denial to the commission in writing, describing the basis for the appeal. The appeal shall be received by the commission or, if mailed, postmarked not later than March 31, 2002.~~

~~(2) Appeals for initial permit issuance may be based on medical conditions, vessel condition, purchase of a vessel during the moratorium period which had a pink shrimp vessel permit, economic conditions in the fishery, historic participation levels in the California pink shrimp fishery, oceanographic conditions and associated low availability of shrimp in the California area of the fishermen's residence, and incapacity of the vessel to participate in the fishery.~~

~~(3) Any applicant who is denied renewal of a northern pink shrimp trawl permit may appeal the denial to the department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked no later than March 31 following the permit year in which the applicant last held a valid northern pink shrimp trawl permit. The appeal shall be reviewed and decided by the department. The decision of the department may be appealed in writing to the commission within 60 days of the date of the department's decision.~~

~~(4) Any applicant who is denied transfer of a northern pink shrimp trawl vessel permit may appeal the denial to the department in writing not more than 90 days from the date of denial describing the basis for the appeal. The appeal shall be reviewed and decided by the department. The decision of the department may be appealed in writing to the commission within 60 days of the date of the department's decision.~~

~~(g) Fees.~~

~~(1) The annual fee for a transferable northern pink shrimp trawl vessel permit is \$1,066.25.~~

~~(2) The fee to transfer a permit to a new owner is \$1,000. No northern pink shrimp trawl vessel permit shall be transferred without a completed application and payment of fees.~~

~~(3) The fee to transfer a permit to another vessel owned by the same permittee is \$200.~~



- ~~(4) The fee for a temporary permit transfer of up to one year is \$100.~~  
~~(5) The annual fee for a nontransferable northern pink shrimp trawl vessel permit is \$533.25.~~  
~~(6) The annual fee for a northern pink shrimp trawl individual permit is \$500.~~  
~~(7) The fee to upgrade a northern pink shrimp trawl individual permit to a northern pink shrimp trawl permit is \$200.~~  
~~(h) Conditions for Continued Eligibility. Any northern pink shrimp trawl vessel or northern pink shrimp trawl individual permit not renewed on or before May 31 of each permit year shall be considered forfeit to the department.~~  
~~(i) Capacity Goal.~~  
~~(1) The department shall evaluate the capacity goal every three years and report to the commission, with a recommendation regarding issuance of new permits.~~  
~~(2) The capacity goal for transferable permits shall be a range from 75 up to the number of permits initially issued, and for nontransferable permits a range of 0 up to the number of permits initially issued.~~  
~~(j) Permit Revocation.~~  
~~(1) A northern pink shrimp trawl vessel or individual permit shall be revoked if false information is provided by the permittee to obtain the permit.~~

**NOTE:**

~~Authority cited: Sections 713, 1050, 8591 and 8842, Fish and Game Code. Reference: Sections 1050, 7057, 7852.2, 7858, 8101, 8591 and 8842, Fish and Game Code.~~

Section 120.1, Title 14, CCR, is added to read:

**§120.1. Pink Shrimp Trawling.**

**(a) Permit Required.** Any person using a trawl net to take, possess aboard a vessel, or land pink shrimp for commercial purposes shall have a pink shrimp trawl permit issued pursuant to Section 120.2 that has not been suspended or revoked.

**(b) Season.** Pink shrimp may be taken April 1 through October 31.

**(c) Bycatch Reduction Device (BRD) Required.** No shrimp trawl net may be possessed on board a vessel in the commercial pink shrimp fishery that does not include an approved bycatch reduction device.

**(1) Approved BRDs.** An Approved BRD is required for all trawl nets used in the pink shrimp trawl fishery and is described as one of the following types below. Approved BRDs shall not be modified in any way that interferes with their ability to allow fish to escape from the trawl.

**(A) The Rigid-Grate Excluder (such as The Nordmore Grate).** The grate consists of a series of rigid or semi-rigid vertical bars that form a panel which guides finfish out of an escape hole located in the top of the net. The device may include a funnel used to concentrate catch near the bottom of the panel to facilitate sorting and prevent shrimp loss but is not a required component. The panel may be hinged to facilitate rolling over a net reel. An approved Rigid-Grate Excluder must meet the following criteria:

**1. The rigid or semi-rigid panel must completely cover some portion of the net in diagonal cross-section.**

2. None of the openings between the vertical bars of the panel may exceed 2 inches.
3. The escape hole, when spread open, must expose a hole at least 100 square inches in surface area, which is the equivalent to removing 10-12 meshes in a straight line.
4. The escape hole must be forward of the panel and the farthest back point must end within four meshes of the point at which the rigid or semi-rigid panel connects to the main net at its farthest back point.

(B) The Soft-Panel Excluder. This device uses a mesh panel to guide fish out of an escape hole located in the top of the net. An approved soft-panel BRD must satisfy the following criteria:

1. The panel meshes must be constructed of net material with individual meshes no larger than 6 inches (stretch measure).
2. The panel must completely cover some portion of the net in diagonal cross- section and partial panels are not allowed.
3. The escape hole must, when spread open, expose a hole at least 100 square inches in surface area, which is equivalent to cutting 10-12 meshes in a straight line.
4. The escape hole must be positioned forward of the panel and end within four meshes of the point at which the panel connects to the main net at its farthest back point.

(C) The Fisheye Excluder. This device functions as a simple forward facing escape hatch that is maintained by a rigid frame. An approved fisheye BRD must meet the following criteria:

1. The escape hole must be forward facing so that finfish can swim towards the mouth of the net to exit through the fisheye.
2. The device must be placed on the top of the codend, no further forward than 84 codend meshes, counted from the pursing rings.
3. The escape hole must be no less than 6 inches in height and no less than 10 inches in width.

(2) Upon approval by the Commission, an experimental gear permit may be issued by the Department for purposes of testing the effectiveness of new or improved BRD designs pursuant to Section 8606 of the Fish and Game Code.

**(d) Net Removal.** No shrimp trawl nets shall be removed from the vessel participating in the pink shrimp trawl fishery prior to the offloading of pink shrimp.

**(e) Maximum Count per Pound.** No vessel permitted in the pink shrimp trawl fishery shall land a load of pink shrimp having an average count greater than 160 shrimp per pound.

NOTE:

Authority cited: Sections 8591, 8841 and 8842, Fish and Game Code.

Reference: Sections 8591, 8606, 8841 and 8842, Fish and Game Code.

Section 120.2, Title 14, CCR, is added to read:

## **§120.2. Pink Shrimp Trawl Permits.**

### **(a) Permit Required.**

(1) Northern Pink Shrimp Trawl Permit. On and after April 1, 2001, any person using a trawl net to take, possess aboard a vessel, or land pink shrimp for commercial purposes

in ocean waters north of a line drawn due west of Point Conception shall have a northern pink shrimp trawl permit or a northern pink shrimp trawl individual permit that has not been suspended or revoked. All pink shrimp taken in ocean waters north of the aforementioned line incidental to other fishing activities shall be immediately returned to the water. For the purposes of this Section, vessel owner includes any person who has a lease-purchase agreement for the purchase of a vessel.

(2) Southern Pink Shrimp Trawl Permit. On and after April 1, 2001, any person using a trawl net to take, possess aboard a boat, or land pink shrimp for commercial purposes in ocean waters south of a line drawn due west of Point Conception shall have a southern pink shrimp trawl permit that has not been suspended or revoked. The applicant must be the operator of a currently registered commercial fishing vessel. See subsection 699(b) of these regulations for the fee for this permit.

**(b) Initial Permit Issuance.**

(1) A northern pink shrimp trawl individual permit may be issued to the holder of a valid 2000-01 pink shrimp trawl individual permit who landed a minimum of 5,000 pounds of pink shrimp north of Point Conception in each of three of the fishing seasons from April 1, 1994 to October 31, 1999 as documented by department landing receipts submitted in their name and commercial fishing license identification number.

(2) A northern pink shrimp trawl vessel permit may be issued to the current owner of a vessel with a valid 2000-01 pink shrimp trawl vessel permit who landed a minimum of 5,000 pounds of pink shrimp north of Point Conception in each of three of the fishing seasons from April 1, 1994 to October 31, 1999, as documented by department landing receipts.

(3) A northern pink shrimp trawl vessel permit may be issued to an individual who does not qualify for a permit in (b)(1) or (2), above, and is the current owner of a commercial fishing vessel and who has been licensed as a California commercial fisherman for at least 20 years at the time of application and has participated in the pink shrimp trawl fishery for at least one of those years in this state as documented by department landing receipts that cumulatively total 5,000 pounds of pink shrimp landed by trawl nets in their name and commercial fishing license number. Any permit issued under this provision shall be nontransferable.

(4) Initial applications for all northern pink shrimp trawl permits shall be received by the department or, if mailed, postmarked no later than May 31, 2001. Initial late applications shall be received by the department or, if mailed, postmarked not later than June 30, 2001 and shall be accompanied by a \$50 late fee. Initial late applications not received by the department or, if mailed, postmarked after June 30, 2001, will not be considered. A permit shall not be issued until the \$50 late fee is paid.

(5) No individual or corporation that qualifies for a northern pink shrimp trawl vessel permit shall be issued a northern pink shrimp trawl individual permit.

**(c) Vessel Length Endorsement.**

(1) Each northern pink shrimp trawl vessel permit shall be endorsed with the overall length at the time of initial issuance. Vessel overall length is measured between the perpendiculars at the foremost portion of the hull at the stem, excluding any extensions commonly known as bowsprits, and the aftermost portion of the hull at the sternpost, excluding any extensions thereof. One of the following forms of documentation shall be

submitted as proof of the vessel's overall length.

(2) Marine Survey Report. Before any northern pink shrimp trawl vessel permit is issued or transferred to another vessel, the owner of the vessel who will receive the permit may submit a marine survey completed by a certified marine surveyor on or after April 1, 1999 that clearly shows the vessel overall length.

(3) Federal Groundfish Permit. Before any northern pink shrimp trawl vessel permit is issued or transferred to another vessel, the owner of the vessel who will receive the permit may submit their current valid Federal Groundfish Permit with its endorsed length as documentation of the vessel's overall length.

(4) When a vessel is no longer available for an overall length measurement, as determined by the department, and does not have a current valid Federal Groundfish Permit, the department may consider: a Marine Survey dated prior to April 1, 1999, U.S. Coast Guard Documentation, or Department of Motor Vehicles registration records.

**(d) Permit Renewal.**

(1) Applicants for northern pink shrimp trawl permits must have held a valid northern pink shrimp trawl permit in the immediately preceding permit year. All applications for northern pink shrimp trawl permit renewal shall be received by the department or, if mailed, postmarked not later than April 30 each year. Late fees, late fee deadlines, and late renewal appeal provisions are specified in Fish and Game Code Section 7852.2.

(2) A northern pink shrimp trawl individual permit shall be upgraded to a northern pink shrimp trawl vessel permit before April 1, 2003. The vessel that the northern pink shrimp trawl vessel permit is assigned to may be not more than five feet greater in overall length than the longest vessel on which the permittee made qualifying landings. The individual permittee is subject to the terms of permit renewal in Section 120.2(d)(1). Any northern pink shrimp trawl individual permit not upgraded to a northern pink shrimp trawl vessel permit before April 1, 2003 shall be deemed forfeit to the department.

**(e) Permit Transfers.**

(1) A northern pink shrimp trawl vessel permit may be transferred to a replacement vessel owned by the permittee within two years of the permitted vessel being lost, stolen, or destroyed. The replacement vessel may be up to but not more than five feet greater in overall length than the original permitted vessel. The original length endorsement will remain on the permit.

(2) A northern pink shrimp trawl vessel permit is otherwise transferable to another owner only if the vessel qualifying for the initial permit landed 90,000 pounds of pink shrimp by trawl north of Point Conception from April 1, 1994 to October 31, 1999. An individual permit, when upgraded to a vessel permit pursuant to Section 120.2(d)(2), shall be otherwise transferable to another owner only if the fishermen qualifying for the initial permit landed 90,000 pounds of pink shrimp by trawl north of Point Conception from April 1, 1994 to October 31, 1999.

(A) The transferable permit may not be transferred more than once every twelve months.

(B) The transferable permit may be transferred any number of times to a different vessel up to five feet greater in overall length than the original endorsement, or of equal or less overall length. The original length endorsement will remain on the permit.

(C) A transferable permit may be permanently changed to a nontransferable permit on

written request of the vessel owner. The permit shall not be restored to a transferable permit under any circumstances.

(3) On the death of a transferable northern pink shrimp trawl vessel permittee an heir may apply to the department to transfer that permit to him or her. The application for transfer shall be received by the department within two years of the death of the permittee.

(4) Any northern pink shrimp trawl vessel permit may be temporarily transferred, for up to one year, to a different vessel, if the permitted vessel is seriously damaged, has suffered a major mechanical breakdown, or is lost or destroyed. The request for temporary transfer shall include documentation of the damage, breakdown, loss or destruction.

(5) Any northern pink shrimp trawl vessel may be permanently retired from the fishery for any reason, and the permit transferred to a different vessel, up to but not more than five feet greater in overall length than the original length endorsement, which is owned by the same permittee.

**(f) Appeal.**

(1) Any applicant who is denied initial issuance of a northern pink shrimp trawl vessel permit or a northern pink shrimp trawl individual permit by the department for any reason may appeal that denial to the commission in writing, describing the basis for the appeal. The appeal shall be received by the commission or, if mailed, postmarked not later than March 31, 2002.

(2) Appeals for initial permit issuance may be based on medical conditions, vessel condition, purchase of a vessel during the moratorium period which had a pink shrimp vessel permit, economic conditions in the fishery, historic participation levels in the California pink shrimp fishery, oceanographic conditions and associated low availability of shrimp in the California area of the fishermen's residence, and incapacity of the vessel to participate in the fishery.

(3) Renewal Appeals. Late renewal appeal provisions are specified in Fish and Game Code Section 7852.2.

(4) Any applicant who is denied transfer of a northern pink shrimp trawl vessel permit may appeal the denial to the department in writing not more than 90 days from the date of denial describing the basis for the appeal. The appeal shall be reviewed and decided by the department. The decision of the department may be appealed in writing to the commission within 60 days of the date of the department's decision.

**(g) Fees.**

(1) The annual fee for a transferable northern pink shrimp trawl vessel permit is \$1,066.25.

(2) The fee to transfer a permit to a new owner is \$1,000. No northern pink shrimp trawl vessel permit shall be transferred without a completed application and payment of fees.

(3) The fee to transfer a permit to another vessel owned by the same permittee is \$200.

(4) The fee for a temporary permit transfer of up to one year is \$100.

(5) The annual fee for a nontransferable northern pink shrimp trawl vessel permit is \$533.25.

(6) The annual fee for a northern pink shrimp trawl individual permit is \$500.

(7) The fee to upgrade a northern pink shrimp trawl individual permit to a northern pink

shrimp trawl permit is \$200.

**(h) Capacity Goal.**

(1) The department shall evaluate the capacity goal every three years and report to the commission, with a recommendation regarding issuance of new permits.

(2) The capacity goal for transferable permits shall be a range from 75 up to the number of permits initially issued, and for nontransferable permits a range of 0 up to the number of permits initially issued.

**NOTE:**

Authority cited: Sections 713, 1050, 8591, 8841 and 8842, Fish and Game Code.

Reference: Sections 1050, 7852.2, 7858, 8101, 8591, 8841 and 8842, Fish and Game Code.

Section 120.3, Title 14, CCR, is amended to read:

**§120.3. Golden Prawn (*Penaeus Californiensis*), Spot Prawn (*Pandalus Platyceros*) and Ridgeback Prawn (*Eusicyonia Ingentis*) Trawling. Golden Prawn (*Penaeus californiensis*), Spot Prawn (*Pandalus platyceros*) and Ridgeback Prawn (*Sicyonia ingentis*) Trawling.**

~~Prawns may only be taken by trawl nets for commercial purposes pursuant to sections 120 and 120.3 of these regulations, or by traps, pursuant to sections 180, 180.2, 180.5 and this section. Spot prawns may not be taken or possessed using trawl nets.~~

~~Permits to use or possess trawl nets for the taking of golden prawns and ridgeback prawns in ocean waters may be granted only under the following conditions:~~

~~(a) Qualifications of Permittee. The applicant must be a licensed commercial fisherman and operator of a currently registered commercial fishing vessel.~~

~~(b) Cost of Permit. See subsection 699(b) of these regulations for the fee for this permit. (NOTE: this fee shall be charged effective April 1, 1992.)~~

~~(c) Permit Area. Trawling for golden and ridgeback prawns shall be permitted in waters not less than 25 fathoms in depth and lying not nearer than three nautical miles distance from the nearest point of land on the mainland shore, and from all offshore islands. No trawling shall be conducted in the cowcod closure areas defined in Section 150.06, Title 14, CCR. Also, trawling shall not be conducted within District 19A which shall include a line from Malibu Point (34 <<degrees>> 01.8'N., 118 <<degrees>> 40.8'W) to Rocky Point (Palos Verdes Point) (33 <<degrees>> 46.5'N., 118 <<degrees>> 25.7'W.).~~

~~(1) Trawling Zones.~~

~~(A) Trawling Zone 1: Includes waters between the California-Oregon border and a line extending due west from False Cape (Lat. 40 <<degrees>> 31'N).~~

~~(B) Trawling Zone 2: Includes those waters between a line extending due west from False Cape and a line extending due west from Lopez Point (Lat. 36 <<degrees>> N).~~

~~(C) Trawling Zone 3: Includes those waters between a line extending due west from Lopez Point and a line extending due west from Point Arguello (Lat. 34 <<degrees>> 35'N).~~

~~(D) Trawling Zone 4: Includes those waters between a line extending due west from Point Arguello and a line extending due west from Point Dume (Lat. 34 <<degrees>> 0'N).~~

~~(E) Trawling Zone 5: Includes those waters lying between a line extending due west from Point Dume and the California-Mexico boundary, excluding Fish and Game Districts 19A, 19B, 20, 20A and 21.~~

~~(d) Restricted Catch Period:~~

~~Trawling for ridgeback prawns in all zones shall be subject to the incidental catch restrictions pursuant to subsection (g) from June 1 through September 30.~~

~~(e) Gear Specifications.~~

~~(1) Trawl nets with single-walled bag or cod-end: The mesh of any webbing shall not be less than 1 1/2 inches in length.~~

~~(2) Trawl nets with double-walled bag or cod-end: The mesh of any webbing or liner shall not be less than 3 inches in length. The lines and cod-end shall be tied together along the rib lines.~~

~~(3) Mesh measurement. Minimum trawl mesh size requirements are met if a standard stainless steel wedge of appropriate gauge can be passed with thumb pressure only through 16 of 20 sets of two meshes each of wet mesh in the cod-end.~~

~~(f) Limitation of Gear.~~

~~(1) No net, the meshes of which are less than prescribed in these regulations, may be possessed on any vessel which is operating under the provisions of a golden prawn or ridgeback prawn permit.~~

~~(2) All fishing gear used under the provisions of these regulations is subject to inspection and approval by the department at any time.~~

~~(3) On request, any authorized representative of the department shall be permitted to travel on the permittee's boat to observe golden prawn or ridgeback prawn trawling operations.~~

~~(g) Incidental Catch Restrictions.~~

~~(1) Not more than 1,000 pounds of any fish caught incidentally with pink shrimp, golden or ridgeback prawns may be possessed on any boat operating under a permit as provided in these regulations. Fisherman should refer to subsection 189(a), Title 14, CCR, for bycatch limits of federally-managed groundfish species. Any amount of sea cucumbers taken incidentally may be possessed if the owner or operator of the vessel possesses a permit to take sea cucumbers pursuant to Section 8405 of the Fish and Game Code.~~

~~(2) During the restricted catch period for ridgeback prawns, loads of fish shall not contain more than 50 pounds without restriction or 15%, by weight, of ridgeback prawns. For the purpose of this regulation, species of fish other than spot prawns shall not be included in the determination of the percentage of ridgeback prawns taken or possessed in any load of fish containing mixed species.~~

~~(3) Trawl loads of fish shall not contain more than 50 pounds without restriction or 15%, by weight, of spot prawns. For the purpose of this regulation, species of fish other than ridgeback prawns shall not be included in the determination of the percentage of spot prawns taken or possessed in any load of fish containing mixed species.~~

~~(h) Records. Pursuant to Section 190 of these regulations, each permittee shall complete and submit an accurate record of his fishing activities on a form (Shrimp/Prawn Trawl Log, DFG 120 (10/89), see Appendix A) provided by the department.~~

~~(i) Conditions of Permit. The provisions of the California Fish and Game Code relating to commercial fishing, except as modified by the provisions of these regulations, shall be a condition of all permits to be fully performed by the holders thereof, their agents, servants, employees, or those acting under their direction and control.~~

~~(j) Revocation of Permits. All permits may be revoked and cancelled by the commission upon the breach or violation of any fish and game law or regulation or violation of the terms or conditions of this permit by the holders thereof, their agents, servants, employees or those acting under their direction and control.~~

Permits to use or possess trawl nets for the taking of golden prawns and ridgeback prawns in ocean waters may be granted only under the conditions described below. Take of spot prawn under authority of this permit is prohibited, except as provided in subsection 120(e), Title 14, CCR:

**(a) Qualifications of Permittee.** The applicant must be a licensed commercial fisherman and operator of a currently registered commercial fishing vessel.

**(b) Cost of Permit.** See subsection 699(b) of these regulations for the fee for this permit. (NOTE: this fee shall be charged effective April 1, 1992.)

**(c) Seasonal Closure.** Trawling for ridgeback prawns is prohibited from June 1 through September 30.

**(d) Trawl Gear Specifications.**

(1) Trawl nets with single-walled bag or codend: The mesh of any webbing shall not be less than 1 1/2 inches in length.

(2) Trawl nets with double-walled bag or codend: The mesh of any webbing or liner shall not be less than 3 inches in length. The lines and codend shall be tied together along the rib lines.

(3) Mesh Measurement. Minimum trawl mesh size requirements are met if a standard stainless steel wedge of appropriate gauge can be passed with thumb pressure only through 16 of 20 sets of two meshes each of wet mesh in the codend.

NOTE:

Authority cited: Sections 710.7, 711, 8591, 8841 and 8842, Fish and Game Code.

Reference: Sections 710.7, 711, 8140, 8841 and 8842, Fish and Game Code.